

REMARKS

Claims 1-44 are pending. Claims 1-44 are subject to a restriction requirement. The Examiner has assigned claims 1-28 to Group I, and claims 29-44 to Group II.

With respect to the claims of Group I, the Examiner has indicated that claims 1, 16, 19, 22, and 24-26 are generic, and has further defined the following species with respect to the claims of Group I: claim 2; claims 3-8; claims 9-11; claims 12-14; claims 15 and 23; claims 17-18, 20, and 27-28; and claim 21.

With respect to the claims of Group II, the Examiner has indicated that claims 29 and 42-43 are generic, and has further defined the following species with respect to the claims of Group II: claim 30; claims 31-36 and 44; claims 37-38; claims 39-40; and claim 41.

The Applicant hereby elects the claims of Group I. The Applicant respectfully traverses the requirement to elect between the different species. MPEP § 806.04(e) states unambiguously that “[c]laims are never species. . . . Species are always the specifically different embodiments” (emphasis in original). A copy of this section is attached for the Examiner’s reference. But the various “species” identified by the Examiner are all part of the same embodiment; these claims merely represent different subcombinations of a single embodiment. Accordingly, the Examiner’s restriction among the various “species” is improper, and should be withdrawn.

Notwithstanding the Applicant’s traversal of the species restriction, in the interest of completeness and to avoid a Notice of Non-Compliant Response, the Applicant elects the species of claims 3-8.

Respectfully submitted,
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[Go to MPEP - Table of Contents](#)**browse before****806.04(e) Claims *>Limited< to Species [R-3] - 800 Restriction in Applications Filed Under 35 U.S.C. 111; Double Patenting****806.04(e) Claims *>Limited< to Species [R-3]**

Claims are definitions of inventions. *Claims are never species.* *>The scope of a claim< may be *>limited< to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of *>the claim< (and thus be designated a *generic or genus claim*).

Species are always the specifically different embodiments.

Species *>may be either< independent >or related< as disclosed (see MPEP § 806.04 and § 806.04(b)) **.

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